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REMARKS

Claims 1-3 are pending in this application, and were rejected under 35 U.S.C. 103(a) as being unpatentable over Soomro in view of Choi. Claims 1, 2 and 3 are currently amended. Reconsideration is respectfully requested.

The presently claimed invention distinguishes the cited combination because (1) the program product transmits a channel claim message before actually utilizing the channel for normal communications, and (2) the program product is responsive to channel claim messages transmitted by other access points. Soomro is primarily directed at deciding when to switch to a different channel, rather than the actual selection of that different channel. For example, in para [0037] Soomro teaches that the DFS count is adjusted depending on conditions, i.e., the time remaining to changing channel. The only reference to channel selection Applicant has found in Soomro is illustrated by para. [0039], which simply states that a STA performs "channel measurements." The Office cites paras. [0025 and 0029] as teaching message exchange between access points, but closer examination of those passages reveal that the communication taught by Soomro is between an AP and its STAs, i.e., within the BSS. Further, any communications about the new channel are made on the old channel. Applicant has amended claim 1 to emphasize that prior to utilizing the selected channel for normal communications, the program product transmits an indication, on the selected channel, of an intent to utilize that channel. One advantage of this technique is that properly configured APs can respond to the channel claim transmission, e.g., by objecting. Withdrawal of the rejection of claim 1 is therefore requested.

Choi, like Soomro, fails to teach use of a channel claim message. For example, the channel switch announcement (300) is transmitted on the old channel rather than the new channel. This is not surprising because the Choi technique, which is well known in the art, is intended to

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coordinate the channel change among members of the BSS. In contrast, the presently claimed invention transmits a message on the new channel in order to mitigate problems with APs which are not part of the migrating BSS. Withdrawal of the rejection of claim 1 is therefore again requested.

Claims 2 and 3 are dependent claims which further distinguish the invention, and which are allowable for the same reasons as their respective base claims. The informalities which prompted the objection and §112 rejection of claims 1-3 have been corrected in accordance with the comments in the OA.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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